

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
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	§	
V.	§	CR. NO. 4:09-342-01
	§	
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	§	
	§	
	§	
ROBERT ALLEN STANFORD	§	

**DEFENDANT ROBERT ALLEN STANFORD'S MOTION FOR
PRODUCTION OF *BRADY*, RULE 16, AND JENCKS ACT
MATERIALS**

TO THE HONORABLE DAVID HITTNER, UNITED STATES DISTRICT
JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON
DIVISION:

COMES NOW, Robert Allen Stanford (hereinafter "Stanford"),
defendant in the above styled cause, by and through his attorney of record,
Robert S. Bennett, and hereby moves this Court for the issuance of an Order
providing for the following:

1. Defendant Stanford requests immediate notice and production
of any written or recorded statements made by Stanford, or copies thereof,
within the possession, custody or control of the government, or which the

existence is known to the government or which may be in control of the government and which may be relevant to Stanford's case; that portion of any written record containing the substance of any relevant oral statement made by Stanford whether before or after arrest in response to interrogation by any person then known to Defendant Stanford to be a government agent; and recorded testimony of Defendant Stanford before a grand jury which relates to the offense charged. Defendant Stanford also requests immediate notice and production of the substance of any other relevant oral statement made by Defendant Stanford whether before or after arrest in response to interrogation by any person then known by Defendant Stanford to be a government agent if the government intends to use that statement at trial or to produce any testimony by experts that will rely upon such statement. Fed. R. Crim. P. Rule 16(a)(1)(A).

2. Defendant Stanford requests immediate notice and production of any physical or tangible evidence intended for use by the government in its case-in-chief, and any evidence that is material to the preparation of the defense, including any evidence that may be relied upon by experts whether or not it is admitted into evidence. Fed. R. Crim. P. Rule 16(a)(1)(C).

3. Defendant Stanford requests the government to disclose a written summary of testimony the government intends to use under Rules

702, 703 or 705 of the Federal Rules of Evidence during its case-in-chief at trial. This summary must describe the witnesses' opinions, the basis and reasons thereof, and the witnesses' qualifications. Fed. R. Crim. P. Rule 16(a)(1)(E).

4. Defendant Stanford requests production of any and all evidence in the possession of the government or its agents, which may be arguably favorable to the defense in mitigation of guilt or punishment. *Brady v. Maryland*, 373 U.S. 83 (1963); or which may arguably be useful or relevant to the impeachment of government witnesses. *Giglio v. United States*, 405 U.S. 150 (1972); *Kyles v. Whitley*, 514 U.S. 419 (1995). This request is to specifically include any information from any source whatsoever, whether or not the government believes that source to be reliable.

5. Defendant Stanford would further show the court that the above items requested are within the exclusive control of the federal government, or other agencies acting in conjunction with the federal government and that since Defendant Stanford and his counsel have no authority to obtain the material requested herein, it is unavailable to Defendant Stanford.

October 4, 2010

Respectfully submitted,

/s/ Robert S. Bennett
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Attorney for Defendant,
ROBERT ALLEN STANFORD

CERTIFICATE OF CONFERENCE

On September 30, 2010, undersigned counsel was informed via email that AUSA Gregg Costa was opposed to this Motion.

/s/ Robert S. Bennett
ROBERT S. BENNETT

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2010, I electronically filed the foregoing with the Clerk of the Court, which will send notification of such filing to all registered parties.

Respectfully submitted,

/s/ Robert S. Bennett
ROBERT S. BENNETT

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**ORDER GRANTING PRODUCTION OF *BRADY*, RULE 16, AND
JENCKS ACT MATERIALS**

Having considered Defendant Robert Allen Stanford's Motion for Production of *Brady*, Rule 16, And Jencks Materials, the papers filed in response thereto, all other argument on the motion, and the entire record in this case:

IT IS HEREBY ORDERED that Defendants' Motion for Production of *Brady*, Rule 16, And Jencks Materials is **GRANTED**.

SIGNED at Houston, TX, this _____ day of October, 2010.

Honorable Judge DAVID HITTNER